

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

**IN THE MATTER OF:**

**RULE AMENDMENTS RELATING TO            ) Administrative Cause  
FALCONRY                                        ) Number 10-088D  
  ) (LSA Document #10-667(F))**

**REPORT ON RULE PROCESSING, CONSIDERATION OF PUBLIC COMMENTS,  
ANALYSIS AND RECOMMENDATION REGARDING FINAL ADOPTION**

**1.     RULE PROCESSING**

For consideration is a proposal that will add a substantially more comprehensive set of administrative rules relating to falconry at 312 IAC 9-10-13.1 and amend the definition of “falconry” at 312 IAC 9-1-7. This rule proposal will result in the repeal of the current falconry rule found at 312 IAC 9-10-13.

The Natural Resources Commission (*NRC*) granted preliminary adoption of this rule amendment proposal on September 21, 2010.

The “Notice of Intent” to adopt the proposed rule amendment was posted to the INDIANA REGISTER database website as 20101027-IR-312100667NIA on October 27, 2010. The notice identified Linnea Petercheff, Department of Natural Resources, Division of Fish and Wildlife, as the “small business regulatory coordinator” for purposes of Indiana Code § 4-22-2-28.1.

As specified by Executive Order, proposed fiscal analyses of the rule proposal were submitted, along with a copy of the proposed rule language and a copy of the posted Notice of Intent, to the Office of Management and Budget on December 2, 2010. In a letter dated January 28, 2011, Adam. M. Horst, Director, Office of Management and Budget, recommended that the proposed rule amendments be approved.

The NRC Division of Hearings submitted the rule proposal to the Legislative Services Agency (*LSA*) along with the “Statement Concerning Rules Affecting Small Business” (also known as the “Economic Impact Statement”) on February 8, 2011. The Notice of Public Hearing was submitted to LSA on February 9, 2011. The Notice of Public Hearing, along with the Economic Impact Statement and the text of the proposed rule was posted to the INDIANA REGISTER database website on February 23, 2011 as 20110223-IR-312100667PHA. Following receipt of an

“Authorization to Proceed” from LSA on February 9, 2011, the NRC Division of Hearings also caused a Notice of Public Hearing to be published by the Indianapolis Newspapers, a newspaper of general circulation in Marion County, Indiana, on February 24, 2011. In addition, notice of the public hearing and a summary of the proposed rule changes were published on the NRC’s web-based electronic calendar.

## **2. REPORT OF PUBLIC HEARING AND COMMENTS**

### **a) Public Hearing Comments**

A public hearing was scheduled and conducted on April 1, 2011 at the NRC Division of Hearings office located in Indianapolis, Indiana. Sandra Jensen served as the hearing officer and Linnea Petercheff participated on behalf of the Department of Natural Resources (*Department*). Seven individuals attended the public hearing and a summary of the comments received have been attached as Exhibit A, which is incorporated by reference.

### **b) Comments Received Outside Public Hearing**

Written public comments were received from approximately September 21, 2010 until April 8, 2011. The written comments have been attached to this report as Exhibit B, which is incorporated by reference.

### **c) Response by the Department of Natural Resources**

The Department responded to the public comments on April 18, 2011. A copy of the Department’s response is attached as Exhibit C, which is incorporated by reference.

## **3. ANALYSIS AND RECOMMENDATION**

In October 2008, the U. S. Fish & Wildlife Service (*USFWS*) finalized changes to federal regulations governing falconry licenses. The new federal regulations require Indiana, and any State wishing to allow falconry, to “establish laws and regulations that meet the standards” set forth in 50 CFR 21.29 and obtain certification of those rules “no later than January 1, 2014.” 50 *CFR 21.29(b)*.

The amendments required by the new federal regulation were so extensive that it was determined to repeal the existing falconry rule, found at 312 IAC 9-10-13, and replace that rule with the proposed addition of 312 IAC 9-10-13.1. Amendment of the definition of “falconry” at 312 IAC 9-1-7 was also required. The rule proposed for addition incorporates the necessary federal regulations and establishes seasons for taking raptors from the wild for use in falconry as well as the falconry hunting seasons, which were determined by the Department.

There are approximately 80 licensed falconers in the State of Indiana, most of who are members of the Indiana Falconry Association (*IFA*). The Department met with members of IFA as the proposed rule was being developed and the IFA membership has been collaborative and helpful throughout the rule adoption process. The majority of the public comments received were in wholehearted support of this rule proposal; nonetheless certain requests for revisions were also offered.

While stating that “under no circumstances do I want any requested action or language change to be acted upon if they will result in any delay in the process of IDNR’s adoption of the new falconry regulations,” James G. Thomas (*Thomas*) in a written comment submitted on April 8, 2011, noted that the phrase “wild game” found in 312 IAC 9-1-7 should be revised because certain species taken with raptors, including starlings, English sparrows and rock pigeons, have not traditionally been referred to as “game”. Thomas also sought a revision to the definition of “abatement” at subsection (b) and an accommodation related to subsection (mm) to allow falconry raptors to be flown at pen-raised game birds at areas other than dog training grounds or shooting preserves and at times outside the season for the game bird.

The Department observes that a revision of the definition of “abatement” at subsection (b) would allow mitigation of depredation caused by mammals. The result of the requested revision would be the ability of a falconer to take mammals outside the season, which is not favored. Furthermore the Department notes that landowners are presently able to take nuisance mammals through other means making this type of nuisance mammal control unnecessary. With respect to the requested revision at subsection (mm), the Department observes that falconers have alternative means of conducting training using non-native species and expressed the position that a falconer’s ability to train raptors using ring-necked pheasant and northern bobwhite quail should be consistent with dog training opportunities involving these bird species. The Department also notes that the revision of subsection (mm) as requested, could present a conflict with respect to possession restrictions associated with northern bobwhite quail and ring-necked pheasant.

The Department’s response reflects agreement with the revision sought to replace the phrase “wild game” with “wild animal” in 312 IAC 9-1-7 as proposed by Thomas. The use of the term “wild game” in 312 IAC 9-1-7 was also a topic of discussion at the public hearing where it was noted that use of the term “wild game” was also inconsistent with the use of the term “wild animal” in subsections (ii) and (jj). “Wild animal” is a statutorily defined term that would include the non-game species of starlings, English sparrows and rock pigeons and use of that defined term would improve consistency with other subsections the rule. Therefore, the requested revision to delete the word “game” and replace it with “animal” in 312 IAC 9-1-7 is appropriate.

Eddie Brochin (*Brochin*), the creator of “*Ultimate Outdoors with Eddie Brochin*” presented his written comment at the public hearing wherein he sought revisions to subsection (pp), which prohibits the use of falconry raptors for making entertainment films, commercials, promotions or for endorsements and disallows a licensed falconer from receiving a profit for allowing the use of a falconry raptor in educational photographs or films. Brochin’s comment also sought revision to subsection (hh), which was joined by Thomas in his April 8, 2011 written comment, to allow a licensed falconer to receive compensation from another person who accompanies a falconer while hunting with a raptor.

The restrictions on the use of falconry raptors for entertainment or other commercial opportunities and the restrictions on the ability of a licensed falconer to earn a profit for the use of falconry raptors in educational film endeavors as set forth in subsection (pp) are the equivalent of prohibitions set forth in 50 CFR 21.29. These restrictions are necessary in order to obtain certification of the rule by the USFWS and for this reason, the requested revision cannot be recommended.

With respect to the prohibition on receipt of compensation from an individual accompanying a falconer while hunting with a raptor as specified at subsection (hh), the Department response indicates that this activity is prohibited by the existing rule (312 IAC 9-10-13) and is also currently prohibited by the USFWS. The Department observes that subsection (hh) also complements subsection (pp) in this proposed rule in attempting to limit the commercialization of the sport of falconry. Brochin’s comparison of charging a fee for a person to watch a falconer hunt with a raptor with charging a fee to provide a guide service for hunting game or fishing is not fitting. In the latter instance a guide assists and directs a licensed hunter in locating game and gaining an opportunity for the *hunter* to take the game. In the former instance, the individual is merely observing the falconer hunt with his or her raptor. In this context, the falconer is not providing a guide service for a hunter but is merely placing the falconers’ skill and the raptor on display, which is the type of activity prohibited by subsection (pp) and the federal regulation upon which that subsection is necessitated. Based upon these considerations, the revisions sought with respect to subsection (hh) are not recommended for approval.

On March 31, 2011, Kurt Dorman (*Dorman*), submitted a written comment identifying a conflict created by the language in subsection (t)(2)(A)(i) as compared to the language in subsection (u)(11), a typographical error at subsection (jj)(4), and language at subsection (y)(1 - 3) that he believed was incongruent with the federal regulations.

Dorman’s written comment suggested deleting the words “general or” from subsection (u)(11) to eliminate the conflict with subsection (t)(2)(A)(i) and replacing the word “who” with “who’s” in subsection (jj)(4). These revisions are appropriate.

Dorman's final request for revision involves a conflict between the proposed rule at subsection (y)(1 -3) and the corresponding federal regulation. The Department's response reveals the accuracy of Dorman's observation and suggests a corrective revision. (*See Exhibit C*). The hearing officer concurs with the substance of the Department's suggested revision but omitted certain language deemed to be unnecessary or duplicious.

The Department also noted in its response that the word "take" in subsection (II) should be replaced with the word "hunt." The statutory definition of " hunt" includes all forms of taking wild animals except by trapping. *Indiana Code § 14-8-2-128*. Because wild animals are hunted with raptors and are not trapped, the appropriate term in this context is "hunt". This correction is consistent with the use of the word "hunt" in subsection (ii) and this technical correction should also be made for clarity.

With the exception of the requested revision to subsection (II), the revisions discussed above result from written public comments and are, in the opinion of the hearing officer, a logical outgrowth of the original published rule language. The correction at subsection (II) is being recommended for statutory consistency and clarity. It is the opinion of the hearing officer that Indiana Code § 4-22-2-29 authorizes the NRC to make these revisions to the rule language

Linnea Petercheff, Operations Staff Specialist with the Department's Division of Fish and Wildlife has previously submitted a copy of the published rule and discussed the above noted revisions with a representative of the United States Fish and Wildlife Service and has obtained preliminary confirmation that the proposed rule, with the revisions, meets the standards set forth in the federal regulation.

The hearing officer recommends final adoption of the rule proposal, with the revisions as noted herein. The revisions noted have been incorporated into the rule language attached at Exhibit D, which is incorporated by reference.

Dated: April 21, 2011

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Sandra L. Jensen  
Hearing Officer

## EXHIBIT A

### PUBLIC HEARING COMMENT SUMMARY

**Kurt Dorman**, from Indianapolis, Indiana who serves as the Vice President of the Indiana Falconry Association (IFA) inquired whether the proposed rule would be effective before September 2011. He explained that once effective, it is necessary for the rule to be submitted to the United States Fish & Wildlife Service (USFWS) for publication in the Federal Register. According to Dorman, submissions to USFWS must occur before September 2011 in order for Federal Register publication to occur in 2012. If submission does not occur before September 2011, the Federal Register publication cannot occur until 2013. The hearing officer reflected that this rule proposal should be effective such that submission to the USFWS could be accomplished before September 2011.

Dorman also discussed three items in the published rule language that IFA President, Alan Pope, had previously discussed with Hearing Officer, Sandra Jensen, and Linnea Petercheff, Staff Specialist with the DNR Division of Fish and Wildlife. Dorman reported that following review he understood that Jensen and Petercheff agreed that one item was a typographical error at subsection (ii)(4) and a second was a conflict that needed to be revised at subdivision (u)(11) and that revisions discussed were acceptable to IFA. However, Dorman noted that there remained an issue with the language proposed at 312 IAC 13.1(y)(1 – 3) despite attempts prior to the public hearing to correct a believed conflict between Indiana's proposed rule and the federal regulation. Dorman stated that he had offered a written comment in association with all three proposed revisions. Linnea Petercheff agreed to further evaluate the potential conflict between the proposed language at 312 IAC 13.1(y)(1 – 3) and the federal regulation.

**Eddie Brochin**, of Indianapolis, Indiana is the creator of "Ultimate Outdoors with Eddie Brochin", and is a film producer, master falconer and professional hunting and fishing guide. Brochin has produced falconry films approved by the USFWS with the involvement of federal, state and local law enforcement and conservation officers and stated that the films provide public education regarding conservation, the predator-prey environment as well as the benefits of birds of prey to the ecosystem. He explained that the world is extremely technological and the limitations imposed by the proposed rule regarding the filming of falconry activities would limit public exposure to falconry by prohibiting the use of television, internet, mobile devices, or any other modern day technology. Brochin advised that television outlets such as *Animal Planet* and *Discovery* have paid falconers for films using falconry birds, and DVDs depicting falconry birds allow apprentice falconers to receive cost effective training from some of falconry's top experts. Brochin stated his opinion that these prohibitions on the use of falconry birds in films for profit will ultimately "spell the end of the sport."

He explained that he has \$2.2 million dollars invested in his company and is just now at a profit point. He has entered into a \$1.5 million contract with *Animal Planet* that will be prohibited by the imposition of the restrictions on filming falconry birds for profit. Brochin noted also that falconry supply and equipment industries are allowed to create commercials but are prohibited from using an actual falcon in the advertisement.

With respect to his hunting guide business, Brochin observed that he can be paid to take people to hunt for deer, turkey or any other game and to fish but is disallowed from charging a fee to take people to watch him hunt with his falconry birds. He inquired as to why there was a difference in the types of hunting activities.

Brochin offered a written comment during the public hearing that is attached as Exhibit A1 and incorporated by reference.

**Greg Thomas**, of Hamilton County, Indiana stated that the use of the term “wild game” in the definition of “falconry” at 312 IAC 9-1-7 was in conflict with the term “wild animal” used at 312 IAC 13.1(ii). Dorman concurred with Thomas’ comment.

Thomas added with respect to Brochin’s comment that falconers defend themselves through the media. He noted that the Department of Interior would likely not have been able to garner support for the establishment of the Snake River Bird of Prey National Conservation Center if not for the use of films and documentaries produced by falconer, Morley Nelson. Thomas stated that much of Nelson’s work was produced for Disney’s Wild Kingdom.

**Karl Shank**, of Redkey, Indiana and also a member of the IFA, expressed his desire that this rule proposal would move as quickly as possible to allow for submission to the USFWS before September 2011.

**Paul Hofsommer**, from Indianapolis, Indiana and also a member of IFA stated his appreciation for the opportunity for IFA and its officers to work closely with Jensen, Petercheff, the Department and Natural Resources Commission in developing this rule. Everyone in attendance joined in this offer of appreciation.

## EXHIBIT A1



### LSA Document # 10-667

(PP) Part 2

1. Movies or other commercial entertainment (All of my films are designed to educate the public on conservation and the role the falconer's have played in the successful re-establishment of endangered species back into the wild, such as the Peregrine falcon.)
2. All of the films produced educate the public on the need for the predator prey relationship in a given environment and the role raptors play in the eco system
3. We live an extremely technologically advanced society and there are many organizations out there that are promoting their beliefs and views on anti hunting and they are using the power of media venues such as television, Internet, mobile phones and devices, etc in order to deliver it.
4. We need to be allowed to promote our sport in the same fashion or we will be left behind without the tools necessary to defend our rights and freedoms at any competitive level.
5. How does this affect the hundreds of falconers who make DVD'S on the sport of falconry for sale through falconry supply companies, These DVD'S serve as an important tool in education and promotion of the sport to gain interest of potential candidates of new license holders in which ultimately ensures the continuation of our sport by the passing of knowledge from Master to apprentice as it has been the case for thousands of



years. (This is just one example of a commercial media source being used to ensure the survival of the sport)

6. How do these new rule changes affect the falconry supply companies and equipment manufacturers such as radio telemetry companies wishing to promote their business through television, internet, mobile media devices and social networking venues such as Facebook, Twitter and You Tube. How is it fair to say they can but can't use birds of prey in their commercials? By segregating the falconers from the rest of society in this fashion certainly spells doom for all of us involved in the sport.
7. Without the means to promote our sport and keep up with the rest of the world we must have full and undisclosed access to the same media outlets as any one else and to deny us that seems to me to be in direct violation of the first amendment.
8. How does this rule affect the many falconry academies that have been established over the years that are educational schools that provide an place for the entry level falconer to be schooled on the sport by general and master class falconers. These schools are for profit establishments but are a valuable asset to the sport in general as they give hands on instruction to the apprentice which helps him to become a much greater falconer. He or she has the opportunity to train with some of the finest American falconers. This will help them to make fewer mistakes in the early stages of apprenticeship and as a result he or she will reap greater rewards in the field. (Are we going to ban them from their practice and disrupt their very way of life?)
9. Ultimate Outdoors is my way of life and how will that affect me. I am full time professional hunting and fishing guide. I hold a 50 ton-masters license from the US Coast Guard that enables me to operate commercially in all navigable water systems, near coastal, and inland waters. I am also a licensed master class falconer and 6<sup>th</sup> degree black belt licensed master of martial arts certified by the World Taekwondo Federation of Seoul Korea. As you can see, anything I approach to accomplish in life I see to do so and to the best of my ability. I have devoted my life to my studies, practices and passions for the outdoors sports and film production. Some of my services include hunts for whitetail deer, waterfowl and turkey. Many people pay me to take them hunting but pay to watch their children pull the trigger. What is the difference if

people pay me to watch me hunt with my raptors? Many people would like to be a part of that experience and can't afford the time or in some cases the money to be able to become licensed falconer's, so should we once again segregate them from being able to enjoy the sport. I don't want to deny people of that experience but in my line of work this is the means for support for my family. (My wife, two sons and my daughter)

10. Indiana government is very strongly promoting Indiana as a go to destination for film-making. (CBS CIS just last week) Our government is giving away millions of dollars in grants and tax incentives to get producer from around the country to come here and produce films here in our state. I am one of very few independent film producer's that resides here in Indiana and it seems like the state would be in support of my work and not against it.
11. In Closing: *"It is my goal is to continue to utilize my God given skills and talents to serve the community in an up lifting and positive manner that will enrich the lives of those I reach through my films and services"* to continue to promote the sport of falconry as a precious embodiment of world cultural history.

## EXHIBIT B

### WRITTEN PUBLIC COMMENTS

**Commentor Name** MARK A. HERMANN

**Commentor County** 74

**Commentor State** IN

**Commentor City** GRANDVIEW

**Commentor Organization** I.F.A.

**Commentor Email** Email Commentor

**Comment** I AM IN FULL SUPPORT OF THE NEW FALCONRY AMMENDED LAWS.

THANK YOU FOR YOUR HARD WORK.

SINCERERLY MARK HERMANN

**Time stamp**

**Commentor Name** Kurt Dorman

**Commentor County** 41

**Commentor State** IN

**Commentor City** Bargersville

**Commentor Organization** Indiana Falconers Association

**Commentor Email** Email Commentor

**Comment** On behalf of myself and all members of the Indiana Falconers Association over which I preside as organization president, we wish to thank the Department, all divisions applicable, for their hard work on these required changes. The collaborative effort by Law Enforcement, Special Permits and the NRC to develop these new regulations was outstanding. Having been a falconer for nearly seventeen years and president of this organization for combined 11 years over 5 separate terms. We support this amendment to the Indiana Administrative Code governing Falconry. It is fair, adequately provides for the protection of the resource we employ, while allowing us to practice our unique sport in a method that now promotes and supports conservation concerns and provides better care and handling of the raptors we use. Excellent Job! Sincerely,

Kurt Dorman - President

Indiana Falconers Association

**Time stamp**

**Commentor Name** Dakotah Cunningham

**Commentor County** 20

**Commentor State** IN

**Commentor City** elkhart

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** I think these rules are great, and should be changed as soon as possible. Seeing as Falconers are generally smart, responsible, and trust worthy people. And deserve more freedom to practice their passion.

**Time stamp**

**Commentor Name** karl shank

**Commentor County** 68

**Commentor State** IN

**Commentor City** Redkey

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** Please pass Falconry Amendments so the sport of Falconry can prosper and survive in Indiana for all to enjoy. I want to say thanks to everone that worked so hard on this ( DNR ) ( IFA )

THANK YOU

Karl Shank

10/13/2010

**Time stamp**

**Commentor Name** Robert Alan Pope, Jr.

**Commentor County** 53

**Commentor State** IN

**Commentor City** Bloomington

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** As a falconer in the state of Indiana, I wanted to take a moment to express my strong support of the proposed rule language for falconry regulations in Indiana. I know that countless hundreds of hours were invested to insure the language was clear (and not vague with the possibility of multiple interpretations) and understandable. Confusing, redundant language has been eliminated and the updated language provides corrections that better protect the natural resource (raptors), their health and well being, and support best-practices of falconry technique and provision of care for all current and future falconers in our state. Kudos to the department for a job well done on the development of the new falconry regulations.

I support the adoption of the proposed new rule.

Robert Alan Pope, Jr.

**Time stamp**

**Commentor Name** Michael James Carey

**Commentor County** 71

**Commentor State** IN

**Commentor City** North Liberty

**Commentor Organization** IFA

**Commentor Email** Email Commentor

**Comment** Thank you so much for the proposed changes to practice the sport of falconry in Indiana. The changes are very common sense and friendly both to the falconers, but also to the raptors we partner with and the game we chase. I very much support these changes and applaud the state officials who were/are involved.

Michael Carey

**Time stamp** 01/11/2011 06:45:15 PM

**Commentor Name** Douglas A. Bensinger

**Commentor County** 84

**Commentor State** IN

**Commentor City** Terre Haute

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** I would like to say that the new regs. seem to address all the issues and should be a great help to all involved in the sport or to the people wanting to get involved in falconry in the future. Thanks to all who are responsible.

**Time stamp** 01/14/2011 06:50:35 AM

**Commentor Name** Edwin Pliett

**Commentor County** 57

**Commentor State** IN

**Commentor City** Laotto

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** After reading the proposed changes to the Indiana Falconry Regs. I believe they are sound, and good regulations. I am a Indiana licensed falconer, an i can abide by these regulations. Thanks for your efforts on comming up with them.

Edwin Pliett

**Time stamp** 01/19/2011 06:50:42 PM

**Commentor Name** Roger V. Chastain, III

**Commentor County** 49

**Commentor State** IN

**Commentor City** Indianapolis

**Commentor Organization**

**Commentor Email** Email Commentor

**Comment** As a licensed falconer of many years now, holding a general class falconry license, a sponsor of falconry apprentices, and an officer in the Indiana Falconers' Association (Treasurer), I wholeheartedly support the new regulations. The DNR's staff and the officers of the IFA put in countless hours, working collaboratively, considering many alternatives, and the perspectives of licensed falconers across the state to develop these regulations. It is believed that these regulations are consistent with the newly implemented Federal regulations, represent the interests of falconers, and most importantly, protect the birds we employ in the sport and the game animals that we pursue. Again, I recommend that the regulations be accepted.

Thank you for your consideration!

**Time stamp** 02/24/2011 05:31:10 PM

**Commentor Name** Kurt Dorman

**Commentor County** 41

**Commentor State** IN

**Commentor City** Bargersville

**Commentor Organization** Indiana Falconers Association

**Commentor Email** Email Commentor

**Comment** After an extensive final review by the officers of the Indiana Falconers Association, we humbly submit the following three (3) items of concern:

1. CONFLICT:

· Section 13(t)(2)(A)(i): A general class license holder shall not possess more than three (3) raptors as follows:

(A) The raptors may be of any Falconiform or Strigiform species except a:

(i) federally listed threatened or endangered species;

[This is congruent with the Federal Regulations]

· Section 13(u)(11): A general or master class license holder may take not more than one (1) raptor of a federally threatened species from the wild each year if:

[This conflicts with the Federal Regulations]

The Indiana Falconers Association recommends removal of the following two words "general or" from Section 13(u)(11) to then read:

· Section 13(u)(11): A master class license holder may take not more than one (1) raptor of a federally threatened species from the wild each year if:

2. CONFLICT:

· Section 13(y)(1): says a license holder may take a raptor (other than a Peregrine) with the described FBBL aluminum band.

· Section 13(y)(2)(B): says a license holder must release immediately a raptor (including a Peregrine) with the described FBBL aluminum band. The section currently reads as follows:

· Section 13(y) Raptors captured with bands, markings, or transmitters are subject to the following:

(1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band except for a peregrine falcon, which must be released immediately.

(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking, or transmitter shall:

(A) promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and

(B) release the raptor immediately.

Since the current proposed conflicts and requires "all" raptors to be released as stated in Section 13(y)(2)(B) and because this is not in the spirit of the original Federal language that would allow all raptors "except" the peregrine falcon to be used if trapped with these markings, the IFA recommends the following change to Section 13(y)(1) & (2) to read as follows:

· Section 13(y) Raptors captured with bands, markings, or transmitters are subject to the following:

(1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band except for a peregrine falcon, which must be released immediately.

(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking, or transmitter shall promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263

3. TYPO ERROR:

Section 13(jj)(4): says The signature of the license holder "who" raptor took the wild animal. The IFA suggests this should be changed so that it reads "who's" not "who".

On behalf of the Indiana Falconers Association and its members, we sincerely thank the Department of Natural Resources, and the Natural Resources Commission for their efforts in this complex rule change.

Sincerely,  
Kurt Dorman - Vice President  
Indiana Falconers Association  
600 North Forsythe Street  
Franklin, IN 46131  
**Time stamp** 03/31/2011 03:42:46 PM

**Commentor Name** James G. Thomas

**Commentor County** 29

**Commentor State** IN

**Commentor City** Noblesville

**Commentor Organization** IN Falconers Assoc. Member

**Commentor Email** Email Commentor

**Comment** Thank you for the April 1, 2011 hosting of the public hearing on this matter. The following are my observations and comments.

1. Under the definitions section at the beginning, the term "wild game" in the phrase, ". . .for the purpose of pursuing, hunting, and taking wild game with raptors." would more accurately be phrased as "wild animal or bird" since some permissible species for take, such as starlings, English sparrows, or rock pigeons, have NOT have been traditionally or legally identified as "wild game". It is my understanding from Ms. Jensen that "wild animal or bird" would pass muster as a substitute.

2. Concerning the part that reads:

Sec. 13. (a) A license is required under this section for an individual to practice falconry.

(b) The following definitions apply throughout this section:

(1) "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other birds for the protection of human health and safety and domestic and wild animals

Part (1) might better be written: "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other birds or animals to mitigate nuisance problems from other birds for the protection of human health and safety and domestic and wild animals."

The addition of "other animals" allows this activity where, for instance, animals other than birds, such as rodents, might be girdling trees in an orchard or doing depredation to a nut orchard's crop.

3. Concerning the passage that reads:

(hh) A license holder hunting with a raptor may be accompanied by other individuals who shall not:

(1) have paid a fee to accompany the license holder; and

People regularly pay to go on bird watching tours, safaris, pay for a deer lease where they may sit in a blins to watch a family member or friend hunt, accompany friends or family on a "pay hunt" of other kinds, etc. I guess what I am saying is there is no apparent biological or ethical reason for this being included in the new regulations. I would appreciate it being deleted.

4. Concerning the passage that reads:

(mm) A license holder may fly raptors at and take pen-raised ring-necked pheasants and northern bobwhite quail that have been released into the wild for training purposes:

- (1) on a dog training ground licensed under section 16 of this rule;
- (2) on a shooting preserve licensed under IC 14-22-31; or
- (3) during the season for that species in accordance with 312 IAC 9-4.

The use of such facilities by gunners are incompatible with and/or unsafe for use of a falconry bird at the same time, and there often is no way to guarantee exclusive use by only a falconer.

There is no widespread or lengthy use by falconers of this type of activity. It is used almost exclusively to "enter" their bird on this type of quarry. Sometimes such "entering" activity (typically with a young "bird of the year" from either a captive breeding project or one taken as an eyass) may occur prior to the seasons set aside for legal take because it fits the developmental needs of the raptor being trained. Would possession of a valid receipt, say dated no more than 10 days earlier, for the game birds used suffice to prove intent and possession of a non-wild game bird? If this concept doesn't conflict with other IN law/regulations, accommodation on this matter would be appreciated.

Thank you for listening to my comments and thoughts, but under no circumstances do I want any requested action or language changes to be acted upon if they will result in any delay in the process of IN DNR's adoption of the new falconry regulations.

Sincerely,

Greg Thomas

**Time stamp** 04/08/2011 02:37:08 PM

## EXHIBIT C

### DNR RESPONSE TO PUBLIC COMMENTS

Public comments were received regarding the use of falconry raptors in films. The U.S. Fish and Wildlife Service (USFWS) specifically states in 50 CFR 21.29 the following, “You may allow photography filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds, though you may not be paid for doing so.” Furthermore, the federal regulations also state, “ You may not use falconry raptors to make movies, commercials, or in other commercial ventures that are not related to falconry. You may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions: (A) You may use a falconry raptor to promote or endorse a nonprofit falconry organization or association. (B) You may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education materials, and scientific research and publication.” Therefore, the proposed rule in 312 IAC 9-10-13.1 cannot allow the filming of falconry raptors that would allow for a profit by the licensed falconer because it would be in violation of these federal regulations. The federal regulations also specify that if a falconry raptor is used in conservation education programs, any fees charged “may not exceed the amount required to recoup your costs.” Therefore, a licensed falconer cannot use his/her falconry raptors in films for which the falconer is paid. Falconers can use their birds in films about the sport of falconry and to promote or endorse falconry equipment, including documentaries and other educational films, but they cannot be paid for participating in the film. Comments were also received about the language in subsection (hh) that prohibits a license holder from allowing others to accompany him/her if they have paid a fee to accompany the falconer. The Indiana DNR believes that doing so would be commercializing the sport of falconry. The USFWS also prohibits this. The current rule governing falconry in 312 IAC 9-10-13 already prohibits other individuals from accompanying a falconer while hunting with that raptor. The Indiana DNR believes that other individuals should be able to accompany the license holder that have not paid a fee , such as the children of license holders and others who want to learn about the sport of falconry and learn more about it firsthand. However, these individuals cannot pay the licensed falconer to come along. The DNR also does not allow other individuals, other than falconry licenses holders, to take wild animals (game) with the use or aid of a raptor (312 IAC 9-10-13). If they did so, they would be participating in the sport of falconry and be required to obtain his/her own falconry license. The purpose of falconry is not the commercial use of a raptor, especially when some raptors are obtained from the wild.

Comments were also submitted regarding raptors captured with bands, markings, or transmitters in subsection (y). Staff from the Division of Fish and Wildlife reviewed these comments and the federal language and talked to the U.S. Fish and Wildlife Service about the intent of these provisions. As a result, the DNR believes that a modification to the language is needed to comply with the federal regulations that prohibit a banded peregrine falcon to be retained, unless



it is fitted with a transmitter and the researcher does not wish to continue the research . The revised wording is as follows:

- (y) Raptors captured with bands, markings, or transmitters are subject to the following:**
- (1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band if authorized under subdivisions (t) and (u), except for a peregrine falcon, which must be released immediately.**
  - (2) A license holder who captures a raptor, including a peregrine falcon, that has a seamless metal band, research band, research marking, or transmitter shall:**
    - (A) promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and**
    - (B) ~~release the raptor immediately~~ if it is a peregrine falcon that has a research band (such as a colored band with alphanumeric codes) or a research marking attached to it, immediately release the bird except as authorized in subdivision (3) if it has a transmitter attached to it.**
  - (3) Notwithstanding subdivisions (1) and (2), a license holder who captures a raptor, including a peregrine falcon, that is fitted with a transmitter may possess the raptor for a maximum of thirty (30) days to do the following:**
    - (A) Contact the researcher.**
    - (B) At the discretion of the researcher, allow the researcher or the researcher's designee to:**
      - (i) replace the transmitter;**
      - (ii) replace the transmitter batteries; or**
      - (iii) remove the transmitter.**
- If the researcher removes the transmitter the license holder may keep the raptor if the license holder lawfully took and is authorized to possess the raptor.**
- (4) If a license holder temporarily possesses a raptor under this subsection, it will not count against the license holder's possession limit.**

Comments were also made at the public hearing regarding the use of the term “wild game” in the definition of falconry in 312 IAC 9-1-7. The DNR believes that the term “wild animal” is more appropriate because it is a term defined in state law and includes species of animals that are not necessarily game species, such as European starlings.

The DNR is also requesting to make a technical change to the wording in subsection (ll) by changing the word ”take” to “hunt” since licensed falconers are only hunting with their raptors, and the definition of “take” in IC 14-8-2-278 includes trapping. Licensed falconers hunt with their raptors and are not authorized to trap species other than raptors under the authority of their falconry license.

A comment was received regarding a modification to the definition of the word “abatement” in 312 IAC 9-10-13.1, subsection (b). The definition in this rule proposal does not include the use of a raptor to mitigate depredation and nuisance problems caused by mammals. The DNR does not believe that the state’s definition of “abatement” should be modified to match the federal definition because the definition of “take” in IC 14-8-2-278 includes the term “harass” and

“pursue” as well as “catch” and “kill.” Therefore, the DNR would be allowing the take of protected species, including cottontail rabbits and squirrels, through the use of a falconry raptor outside the season. The federal regulations allow the state to be more restrictive. Resident landowners and tenants already have the ability to take nuisance squirrels through the use of traps and firearms, including air rifles, without a permit from the department if they are damaging their property. Landowners also already have the ability to take exempted species of mammals such as groundhogs, chipmunks, and mice through any means at any time of year without a permit, and the DNR does not believe that the use of a falconry raptor is necessary to deal with these unregulated species.

A comment was also submitted on the language in 312 IAC 9-10-13.1, subsection (mm), that allows a falconer to fly raptors at pen-raised ring-necked pheasants and northern bobwhite quail that have been released into the wild only on a dog training ground or licensed shooting preserve unless it is during the season for that species. Once a ring-necked pheasant or northern bobwhite quail is released into the wild, it is considered a wild bird. The DNR does not believe that falconers need an exemption that would allow them to “fly raptors at and take” these species of birds at additional locations that are not available for other hunters who wish to train their dogs. Falconers can use chucker partridges and non-native species of quail and pheasants, such as Coturnix quail, for these training purposes. Furthermore, the DNR cannot authorize the possession of northern bobwhite quail and ring-necked pheasants for more than five (5) days without a game breeder’s license pursuant to IC 14-22-20-1 and 312 IAC 9-10-4.

## EXHIBIT D

### TITLE 312 NATURAL RESOURCES COMMISSION

#### Final Rule

LSA Document #10-667(F)

#### DIGEST

Amends 312 IAC 9-1-7 concerning the definition of "falconry." Adds 312 IAC 9-10-13.1 concerning falconry licenses. Repeals 312 IAC 9-10-13. Effective 30 days after filing with the Publisher.

#### **312 IAC 9-1-7 "Falconry" defined**

Authority: IC 14-11-2-1; IC 14-22-2-6

Affected: IC 14-22

Sec. 7. "Falconry" ~~means the sport of taking quarry by means of a trained raptor.~~ **includes:**

- (1) taking;**
- (2) possessing;**
- (3) caring for;**
- (4) training; and**
- (5) transporting;**

**raptors for the purpose of pursuing, hunting, and taking wild animal with raptors.**

*(Natural Resources Commission; 312 IAC 9-1-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

#### **312 IAC 9-10-13.1 Falconry licenses**

Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23

Affected: IC 4-21.5; IC 14-22-31; IC 35-47-2

**Sec. 13. (a) A license is required under this section for an individual to practice falconry.**

**(b) The following definitions apply throughout this section:**

- (1) "Abatement" means the use of a raptor to mitigate depredation and nuisance problems from other birds for the protection of human health and safety and domestic and wild animals.**
- (2) "Aerie" means the nest of a raptor on a cliff, mountaintop, or man-made building.**
- (3) "Bate" means to attempt to fly off of something while tethered.**
- (4) "Captive-bred" means raptors, including their eggs, hatched in captivity from parents that mated in captivity or otherwise transferred gametes in captivity.**
- (5) "Chamber-raised" means parent-reared for a minimum of ten (10) weeks.**
- (6) "Eyass" means a young raptor that is:**

(A) still in the nest or aerie; and

(B) not capable of flying.

The term is also known as a nestling.

(7) "Giant hood" means any enclosure that affords protection and a suitable perching surface, be it a modified dog style carrier, cardboard box, custom plastic or wood constructed enclosure, including the enclosed areas of vehicles with perching set-ups such as those used by falcons.

(8) "Hack" means to temporarily release a raptor held for falconry to the wild so that it must survive on its own.

(9) "Hybrid" means an offspring of birds listed as two (2) or more distinct species in 50 CFR 10.13, or offspring of birds recognized by ornithological authorities as two (2) or more distinct species listed in 50 CFR 10.13.

(10) "Imping" means grafting a damaged feather with a molted feather onto a trained raptor to repair damage.

(11) "Imprinted" means a bird that is hand-raised, from two (2) weeks of age until it has fledged, and has identified itself with humans rather than its own species. An imprinted bird is considered to be so for its entire lifetime.

(12) "Leg band" means a permanent, nonreusable, numbered United States Fish and Wildlife Service band supplied by the department to be affixed to a raptor's leg.

(13) "Mew" means an indoor enclosure for housing a raptor.

(14) "Passage bird" means a wild raptor that is still in its immature plumage, with no presence of new adult tail or primary wing feathers.

(15) "Retrices" means the long, stiff, asymmetrically shaped, but symmetrically paired feathers on the tail of a bird.

(16) "Seamless metal band" means a numbered and seamless United States Fish and Wildlife Service band that is placed on the raptor's leg (metatarsus) to identify it as captive-bred.

(17) "Weathering area" means an outdoor enclosure for housing a raptor.

(18) "Wild raptor" means a raptor that was originally taken from the wild, regardless of how long it is held in captivity or transferred to another license holder or permit/license type.

(c) An application to practice falconry must be completed upon a signed departmental form.

(d) The department recognizes the following three (3) classes of falconry licenses:

(1) An apprentice class falconry license may be issued to an applicant as follows who:

(A) Is at least twelve (12) years of age.

(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a document signed and dated by a holder of a valid general or master class license who is at least eighteen (18) years of age and has at least two (2) years of experience at the general falconer level who agrees to sponsor and assist the applicant with the following:

(i) Learning about the husbandry and training of raptors held for falconry.

(ii) Learning about relevant wildlife laws and regulations.

**(iii) Deciding what species of raptor is appropriate for the applicant to possess while an apprentice.**

**(D) Complies with subsection (j).**

**(E) Has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m).**

**(2) A general class falconry license may be issued to an applicant as follows who:**

**(A) Is at least sixteen (16) years of age.**

**(B) If under eighteen (18) years of age submits an application that is cosigned by a parent or legal guardian who is legally responsible for the applicant's activities.**

**(C) Submits with the application a signed and dated document from the applicant's apprentice class license sponsor stating that the applicant has practiced falconry with a wild raptor possessed under the applicant's apprentice class falconry license or equivalent for at least four (4) months of each of two (2) consecutive years. The falconry practice:**

**(i) shall include hunting with that raptor; and**

**(ii) may include the capture and release of falconry raptors.**

**(3) A master class falconry license may be issued to an applicant who has practiced falconry with raptors possessed by the applicant under a general class falconry license or equivalent for at least four (4) months of each of five (5) calendar years. The falconry practice shall include hunting with the applicant's raptors.**

**(e) If a sponsor identified under subsection (d)(1)(C) terminates sponsorship of an apprentice class license holder, the following:**

**(1) The sponsor shall provide the following:**

**(A) The apprentice class license holder with a signed and dated document stating the apprentice class license holder's falconry experience and the term of sponsorship that can be used by the apprentice class license holder to comply with subsection (d)(2)(C).**

**(B) The department with written notification within five (5) calendar days of the sponsorship termination.**

**(2) The apprentice class license holder shall submit a document to the department that is compliant with the requirements under subsection (d)(1)(C) identifying a new sponsor within thirty (30) calendar days of the termination.**

**(f) A lapsed falconry license may be reinstated as follows:**

**(1) An individual whose falconry license has lapsed for fewer than five (5) years may have the license reinstated at the level held previously if the applicant can establish the class of license previously held.**

**(2) An individual whose falconry license has lapsed for five (5) years or longer may have the license reinstated at the level held previously if the applicant:**

**(A) complies with subsection (j); and**

**(B) can prove the class of license held previously.**

**(3) A falconry license that has been suspended or revoked will not be reinstated under this subsection during the term of the suspension or revocation.**

**(g) An individual who has experience in falconry and has resided in the United States for at least sixty (60) days but not more than two (2) years may qualify for a falconry license appropriate to the individual's experience if the applicant:**

- (1) complies with subsection (j);**
- (2) has raptor housing facilities that an Indiana conservation officer has inspected and found to meet the standards set forth in subsection (m); and**
- (3) provides documentation of experience sufficient for the department to determine the class of falconry license, consistent with subsection (d), for which the applicant is qualified.**

**(h) If a license holder moves raptors possessed under this section outside the jurisdiction of the department, the license holder must notify the:**

- (1) department; and**
- (2) permitting authority in the license holder's new jurisdiction; of the address change within thirty (30) days.**

**(i) If an individual holding a valid falconry license from another jurisdiction within the United States moves to Indiana bringing raptors possessed under that license, the individual must within thirty (30) days:**

- (1) notify the department of the address change; and**
- (2) apply for a license under this section.**

**The individual may retain possession of raptors while applying for a license.**

**(j) Before a license may be issued under subsection (d)(1), (f)(2), or (g), the applicant must correctly answer at least eighty percent (80%) of the questions on a supervised examination covering:**

- (1) raptor biology;**
- (2) the care and handling of raptors; and**
- (3) federal and state laws relating to falconry.**

**An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not for a third time within one hundred eighty (180) days after a second failure.**

**(k) A license under this section expires the last day of February of the third year following the year in which the license was issued.**

**(l) A license holder must comply with the following banding and reporting requirements:**

- (1) A leg band must be obtained from the department before a license holder attempts to acquire a raptor from the wild.**
  - (2) A leg band must be attached to each raptor within ten (10) days of acquisition.**
  - (3) Within ten (10) days of:**
    - (A) acquiring a raptor;**
    - (B) transferring a raptor to another license type or individual;**
    - (C) banding or rebanding a raptor;**
    - (D) microchipping a raptor;**
    - (E) losing a raptor that has escaped into the wild and is not recovered within thirty (30) days; or**
    - (F) losing a raptor due to death or theft;**
- a license holder shall enter the required information in the federal electronic database or submit a Form 3-186A to the department.**

- (4) A captive-bred raptor must be banded with a seamless metal band obtained from the United States Fish and Wildlife Service.**
- (5) In addition to the leg band required under subdivision (1) and the seamless metal band required under subdivision (4), a license holder may also purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in a raptor possessed under this section.**
- (6) If a seamless metal band is removed or lost, a license holder must report it and request a replacement band from the department within ten (10) days of removal or noting the loss of the band.**
- (7) If a leg band must be removed or is lost from a raptor in a license holder's possession, the license holder must report the loss of the band within five (5) days and must then do at least one (1) of the following:**
  - (A) Request a leg band from the department and reband the raptor.**
  - (B) Purchase and implant an ISO compliant (134.2 kHz) microchip in the raptor.**
- (8) A license holder or any other individual must not alter, deface, or counterfeit a leg band or seamless metal band.**
- (9) A license holder may remove the rear tab on a leg band and smooth any imperfect surface, if the integrity of the band and the numbering are not affected.**
- (10) If a license holder documents health problems or injury in a raptor caused by a leg band or seamless metal band, the license holder may request an exemption from the department for that raptor. If an exemption is approved by the department, the license holder must keep a copy of the exemption paperwork on his or her person when transporting or flying the raptor. If the raptor is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the license holder must replace the band with an ISO compliant microchip that will be supplied by the department. The department will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the license holder has demonstrated that a band causes an injury or a health problem for the raptor.**
- (11) A license holder may not band a raptor taken from the wild with a seamless metal band.**

**(m) A license holder shall provide housing facilities as follows:**

- (1) All facilities shall be inspected by an Indiana conservation officer and found to meet the standards in this subsection before obtaining a bird for use in falconry.**
- (2) All facilities shall provide humane and healthful living conditions.**
- (3) The license holder may house compatible raptors together untethered.**
- (4) Each raptor must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.**
- (5) Primary enclosures shall be mews or weathering areas or a combination of characteristics of both that provides the following:**
  - (A) A suitable perch for each raptor with at least one (1) opening for sunlight.**
  - (B) Protection for the raptor from the environment, predators, domestic animals, or other undue disturbance.**
  - (C) An area large enough to allow the raptor to fly if not tethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.**

**(6) In addition to the requirements of subdivisions (1) through (5), the following are applicable to mews:**

**(A) Mews must be large enough to allow easy access for the care and feeding of the raptors.**

**(B) For raptors that are not tethered, walls of mews that are not solid must be protected on the inside. Suitable protective materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.**

**(C) Acceptable mews may include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.**

**(D) A raptor may be kept inside a license holder's place of residence if:**

**(i) a suitable perch is provided; and**

**(ii) the raptor is tethered except when being moved into or out of the location where it is kept.**

**The license holder is not required to modify windows or other openings of the residence.**

**(7) In addition to the requirements of subdivisions (1) through (5), the following are applicable to a weathering area:**

**(A) A weathering area must be totally enclosed and be made of:**

**(i) heavy gauge wire;**

**(ii) heavy-duty plastic mesh;**

**(iii) slats;**

**(iv) pipe;**

**(v) wood; or**

**(vi) another suitable material.**

**(B) A weathering area must be covered.**

**(C) A weathering area must:**

**(i) have at least one (1) covered perch for each raptor; and**

**(ii) be constructed of acceptable design to protect the raptor from predators, weather, domestic animals, or other undue disturbance.**

**(D) A weathering area must be large enough to ensure that the raptors cannot strike the enclosure when flying from the perch.**

**(E) New types of weathering areas or husbandry practices, or both, may be used if they satisfy the requirements above and are approved in writing by the department.**

**(8) A temporary housing facility must:**

**(A) be used for not more than one hundred twenty (120) consecutive calendar days;**

**(B) have a suitable perch; and**

**(C) protect the raptor from extreme temperatures, predators, domestic animals, wind, and excessive disturbances.**

**(9) The license holder may keep raptors outside in the open if they are under watch by the license holder or the license holder's designee in a weathering yard at a falconry meet or other location.**

**(10) The license holder's housing facilities may be located on property owned by another person only if the license holder submits a signed and dated statement confirming that the property owner agrees that the falconry facilities and raptors may be inspected by a conservation officer at any reasonable time of day without advance notice in the presence of the license holder or in the presence of the property owner, except the conservation**



**officer may not enter the facilities or disturb the raptors unless the license holder is present.**

**(11) The license holder must inform the department within five (5) business days if the location of the housing facilities has changed.**

**(n) The license holder shall make:**

- (1) records;**
- (2) housing facilities;**
- (3) raptors; and**
- (4) equipment;**

**available for inspection by an Indiana conservation officer at any reasonable time without advance notice in the presence of the license holder. In the event of immediate concern for the welfare of the raptor, the department may conduct an inspection with a court order without the presence of a license holder.**

**(o) The license holder must have his or her falconry license, or legible copies, in immediate possession at all times if the license holder is not at the location of his or her primary housing facilities and is:**

- (1) trapping;**
  - (2) transporting;**
  - (3) working with; or**
  - (4) flying;**
- the raptor.**

**(p) When:**

- (1) transporting a raptor;**
- (2) hunting with a raptor; or**
- (3) a raptor is away from the permanent facility where it is housed;**

**a license holder shall provide a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar enclosure is acceptable for transporting or housing a raptor when the raptor is away from its primary enclosure.**

**(q) A license holder must have the following equipment for each raptor:**

- (1) A pair of jesses of high quality leather or suitable synthetic material or the materials and equipment to make them. Traditional one (1) piece jesses may be used on a raptor when not being flown.**
- (2) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.**
- (3) An appropriate, reliable scale or balance graduated to increments of not more than one-half (1/2) ounce (fifteen (15) grams) for weighing a raptor.**

**(r) A license holder may allow an individual to temporarily care for a raptor possessed under this section as follows:**

- (1) The license holder shall provide the individual providing the care with the following:**
  - (A) A copy of the Form 3-186A showing that the license holder is the possessor of each raptor.**

**(B) A signed and dated statement:**

- (i) authorizing the temporary possession of the raptor;**
- (ii) specifying the duration of the temporary possession; and**
- (iii) specifying what the caregiver is authorized to do with the raptor.**

**(2) If the caregiver holds a valid falconry license, the caregiver may do the following:**

- (A) Care for the raptor for a maximum one hundred twenty (120) consecutive days.**
- (B) Care for the raptor at the facilities of the license holder or the caregiver.**
- (C) Fly the raptor as authorized by the license holder if the caregiver holds the appropriate level falconry license.**

**(3) If the caregiver does not hold a valid falconry license, the caregiver may do the following:**

- (A) Care for the raptor for a maximum of forty-five (45) consecutive days.**
- (B) Care for the raptor only at the facilities of the license holder.**
- (C) Not fly the raptor for any reason.**

**(4) Notwithstanding subdivision (2)(A) or (3)(A), the department may approve indefinite extensions of temporary care in extenuating circumstances, including:**

- (A) illness;**
- (B) military service; or**
- (C) family emergency.**

**The department will consider such instances on a case-by-case basis.**

**(5) A raptor in temporary care will remain on the falconry license of the individual identified on the Form 3-186A. If the caregiver is also a license holder, the raptor will not be counted against the possession limit of the caregiver.**

**(s) To practice falconry, an individual who resides in the state of Indiana for more than one hundred twenty (120) consecutive days, but does not maintain a primary residence in the state, must:**

- (1) obtain a license under this section within one hundred twenty (120) days of arriving in Indiana;**
- (2) be a valid license holder in the individual's state of residence; and**
- (3) possess only the number and species of raptors authorized under this section for the license class held.**

**(t) Regardless of the number of state, tribal, or territorial falconry permits possessed, the following:**

**(1) An apprentice class license holder shall possess not more than one (1) raptor at a time as follows:**

**(A) The first raptor possessed must be either:**

- (i) a wild American kestrel (*Falco sparverius*); or**
- (ii) a wild red-tailed hawk (*Buteo jamaicensis*);**

**that the apprentice class license holder actively participated in capturing from the wild.**

**(B) After possessing a raptor described in clause (A) for six (6) months or longer, an apprentice class license holder may subsequently possess:**

- (i) an American kestrel (*Falco sparverius*);**
- (ii) a red-tailed hawk (*Buteo jamaicensis*); or**
- (iii) a Harris's hawk (*Parabuteo unicinctus*);**

that is wild or captive-bred and chamber-raised.

(C) The raptor must not be taken from the wild as an eyass.

(D) The raptor must not be imprinted on humans.

(2) A general class license holder shall not possess more than three (3) raptors as follows:

(A) The raptors may be of any Falconiform or Strigiform species except a:

(i) federally listed threatened or endangered species;

(ii) bald eagle (*Haliaeetus leucocephalus*);

(iii) white-tailed eagle (*Haliaeetus albicilla*);

(iv) Steller's sea eagle (*Haliaeetus pelagicus*); or

(v) golden eagle (*Aquila chrysaetos*).

(B) The raptors may be wild, captive-bred, or hybrid species.

(3) A master class license holder may possess any Falconiform or Strigiform species except a bald eagle as follows:

(A) Only five (5) of the raptors possessed, including golden eagles, may be wild raptors.

(B) An unlimited number of captive-bred raptors may be possessed only if the license holder:

(i) trains them in the pursuit of wild game; and

(ii) uses them in hunting.

(C) Only one (1) federally listed threatened or endangered species of raptor may be possessed.

(D) A maximum of three (3) eagles of the species:

(i) golden eagle;

(ii) white-tailed eagle; or

(iii) Steller's sea eagle;

may be possessed if the department approves a request to possess an eagle under clause (E).

(E) A master class license holder shall obtain the approval of the department before obtaining an eagle under clause (D) by submitting documentation of the following:

(i) The license holder's experience in handling large raptors, including information about the species the individual has handled and the type and duration of the activity in which the experience was gained.

(ii) At least two (2) letters of reference from individuals with experience handling or flying, or both, large raptors such as eagles, ferruginous hawks (*Buteo regalis*), red-tailed hawks (*Buteo jamaicensis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the license holder's ability to care for eagles and fly them in falconry.

(u) A license holder may take a raptor from the wild for use in falconry only as follows:

(1) A license holder may take not more than two (2) raptors from the wild annually.

(2) A license holder must not take a species of raptor from the wild in Indiana that is classified as threatened or endangered under:

(A) 50 CFR 17.11; or

(B) 312 IAC 9-4-14.

**(3) An individual with a falconry license issued by another state may lawfully take a raptor in Indiana only if the individual has a master or general class falconry license issued from the state of residence.**

**(4) Eyasses may be taken from the wild only by the holder of a general or master class falconry license from January 1 through August 31 of each year subject to the following restrictions:**

**(A) The holder of a general class falconry license may take only one (1) eyass each year.**

**(B) The holder of a master class falconry license may take not more than two (2) eyasses each year.**

**(C) At least one (1) eyass must remain in the nest.**

**(5) A license holder may take passage birds from September 1 through the last day of February of the following year.**

**(6) A license holder may take only the following species of raptor over one (1) year of age:**

**(A) American kestrel (*Falco sparverius*).**

**(B) Great horned owl (*Bubo virginianus*).**

**These raptors may be taken at any time of year.**

**(7) A license holder may not intentionally capture a raptor species that may not be possessed by the license holder.**

**(8) A license holder must not take raptors at any time or in any manner that violates any law on whose land the license holder is trapping.**

**(9) A license holder must immediately release any raptor that is captured unintentionally or is not allowed to be possessed.**

**(10) A master class license holder authorized to possess golden eagles may capture an immature or subadult golden eagle in a livestock depredation area in accordance with 50 CFR 21.29.**

**(11) A master class license holder may take not more than one (1) raptor of a federally threatened species from the wild each year if:**

**(A) the take is allowed in the location where the raptor was taken;**

**(B) the raptor is taken in accordance with this section; and**

**(C) a federal endangered species permit is obtained before taking the raptor.**

**(12) Raptors may be taken by an individual other than the license holder as follows:**

**(A) If the license holder is present at the capture site, as follows:**

**(i) The individual capturing the raptor is not required to hold a license under this subsection.**

**(ii) The capture of the raptor counts towards the take of wild raptors by the license holder.**

**(iii) The license holder must fulfill the requirements of subsection (1).**

**(B) If the license holder is not present at the capture site, as follows:**

**(i) The individual capturing the raptor must hold a general or master class falconry license.**

**(ii) The individual capturing the raptor must fulfill the requirements of subsection (1) and if the raptor is transferred to another license holder the license holder who retains the raptor shall also fulfill the requirements of subsection (1).**

**(C) Notwithstanding clause (B), the holder of a general or master class falconry license may capture a raptor for a license holder who has a long-term or permanent physical impairment that prevents him or her from attempting to capture a raptor species to use for falconry. The license holder with the long-term or physical impairment who retains the raptor shall:**

- (i) fulfill the requirements of subsection (l); and**
- (ii) count the raptor towards the take of wild raptors.**

**(13) Except under subdivision (12)(C), a license holder who captures a wild raptor and transfers the wild raptor to another license holder in the same calendar year must count the raptor as one (1) of the raptors the license holder is allowed to take from the wild that year. The transferred wild raptor will not count against the take of wild raptors by the transferee.**

**(14) If a raptor is injured by the trapping efforts of a license holder, the license holder must:**

**(A) put the raptor on the license holder's falconry license and:**

- (i) count the raptor against the license holder's take of wild raptors;**
- (ii) count the raptor against the license holder's possession limits;**
- (iii) fulfill the requirements of subsection (l); and**
- (iv) have the raptor treated by a veterinarian or a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or**

**(B) give the raptor directly to:**

- (i) a licensed veterinarian;**
- (ii) a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.29; or**
- (iii) an appropriate department employee.**

**Under either option, the license holder is responsible for the costs of care and rehabilitation of the raptor.**

**(v) A license holder may acquire any age of raptor of a species the license holder is authorized to possess directly from a rehabilitator only as follows:**

- (1) Transfer to a license holder is at the discretion of the rehabilitator.**
- (2) A raptor that is acquired from a rehabilitator will count as one (1) of the raptors allowed to be taken from the wild that year.**

**(w) A license holder may transfer raptors as follows:**

- (1) A captive-bred raptor marked with a seamless metal band or microchip may be sold, purchased, bartered, or traded to an individual who is authorized to possess captive-bred raptors.**
- (2) A wild raptor may be given to an individual who is authorized to possess wild raptors.**
- (3) Unlimited transfers of wild or captive-bred raptors are allowed, but a license holder must not exceed the possession limit for the license class held.**

**(x) A species or subspecies that was recently removed from the federal List of Endangered and Threatened Wildlife may be used in falconry only if:**

- (1) the U.S. Fish and Wildlife Service has published a management plan for the species;**
- (2) take of the species is authorized by the management plan; and**
- (3) the raptor is taken in accordance with the management plan.**

**(y) Raptors captured with bands, markings, or transmitters are subject to the following:**

- (1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band if authorized under subsections (t) and (u), except for a peregrine falcon, which must be released immediately.**

**(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking, or transmitter shall:**

**(A) promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and**

**(B) if the raptor is a peregrine falcon that is fitted with a research band (such as a colored band with alphanumeric codes) or research marking, immediately release the raptor, except as authorized in subdivision (3).**

**(3) Notwithstanding subdivisions (1) and (2), a license holder who captures a raptor, including a peregrine falcon, that is fitted with a transmitter may possess the raptor for a maximum of thirty (30) days to do the following:**

**(A) Contact the researcher.**

**(B) At the discretion of the researcher, allow the researcher or the researcher's designee to:**

**(i) replace the transmitter;**

**(ii) replace the transmitter batteries; or**

**(iii) remove the transmitter.**

**If the researcher removes the transmitter the license holder may keep the raptor if the license holder lawfully took and is authorized to possess the raptor.**

**(4) If a license holder temporarily possesses a raptor under this subsection, it will not count against the license holder's possession limit.**

**(z) A license holder may recapture a falconry raptor, including a peregrine falcon that has a leg band, a seamless metal band, a transmitter, falconry equipment, or any other item attached to its body identifying it as a falconry raptor.**

**(1) A license holder who recaptures a falconry raptor shall comply with the following:**

**(A) Report the capture to the department within five (5) working days after the capture.**

**(B) Return the raptor to the individual who lost it if the individual is authorized to possess it.**

**(C) Dispose of a raptor whose legal possession cannot be determined at the direction of the department.**

**(2) A license holder may keep a falconry raptor that was lawfully recaptured if the individual who lost the raptor is not authorized to possess the raptor or does not wish to possess it.**

**(3) The temporary possession of a falconry raptor under this subsection will not count against the license holder's possession limit.**

**(4) The recapture of a wild raptor is not considered to be taking a raptor from the wild.**

**(aa) A license holder may transfer the following:**

**(1) A wild raptor to the holder of another permit type as follows:**

**(A) To the holder of a raptor propagation permit as follows:**

**(i) A sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), Merlin (*Falco columbarius*), or American kestrel after used in falconry for at least one (1) year.**

**(ii) All other wild raptors after used in falconry for two (2) years.**

**(B) At any time after the license holder's acquisition of a wild raptor the raptor may be transferred to the holder of another permit type that authorizes the possession of the wild raptor if the wild raptor has been injured and a licensed veterinarian or wild animal**

rehabilitator licensed under section 9 of this rule has determined that the wild raptor can no longer be flown for falconry. The license holder shall submit a certification from the veterinarian or wild animal rehabilitator confirming that the wild raptor is not useable in falconry.

(2) A raptor to another license type possessed by the falconry license holder.

(bb) Raptors possessed under the falconry license of a deceased license holder may be transferred by the:

- (1) surviving spouse;
- (2) executor;
- (3) administrator; or
- (4) other legal representative;

to another license holder within ninety (90) days of the death of the license holder. After ninety (90) days, disposition of a raptor held under a falconry license of deceased individual is at the discretion of the department.

(cc) The permanent release of raptors to the wild must comply with the following:

(1) A license holder shall not permanently release a raptor that is:

- (A) not native to the state of Indiana; or
- (B) a hybrid.

(2) A license holder may release a captive-bred raptor that is native to Indiana at an appropriate time of year and an appropriate location only after:

- (A) obtaining prior written approval from the department; and
- (B) hacking the raptor under subsection (dd) at an appropriate time of year and an appropriate location.

(3) A license holder may release a wild raptor that is native to Indiana at an appropriate time of year and an appropriate location without prior approval from the department. A license holder must:

- (A) remove the raptor's leg band prior to the release; and
- (B) return the leg band to the department.

(dd) To hack a raptor, a general or master class license holder must:

- (1) obtain the prior written approval from the department;
- (2) include the raptor against the license holder's possession limit;
- (3) be authorized to possess the raptor being hacked; and
- (4) contact the department before hacking a raptor to ensure that the license holder does not conduct hacking activities:
  - (A) near a nesting area of a federally threatened or endangered bird species; or
  - (B) in any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the falconry bird.

A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species.

(ee) A license holder may use other acceptable falconry practices in training and conditioning raptors, including:

- (1) the use of creance (tethered) flying;

- (2) lures;**
- (3) balloons; or**
- (4) kites.**

**(ff) A license holder must never intentionally release a raptor for free flight while it is wearing "slitted" style mew jesses.**

**(gg) A license holder shall affix at least two (2) functioning radio transmitters to any hybrid raptor being free flown for any reason.**

**(hh) A license holder hunting with a raptor may be accompanied by other individuals who shall not:**

- (1) have paid a fee to accompany the license holder; and**
- (2) handle a raptor possessed by a license holder except to hold or practice flying the raptor while under the direct and on-site supervision of the license holder.**

**(ii) A license holder may hunt wild animals by the use of a raptor only as follows:**

**(1) The season for hunting:**

**(A) eastern cottontail rabbits, northern bobwhite quail, and ring-necked pheasants is from September 1 through February 28 of the following year; and**

**(B) gray and fox squirrels is from August 15 through February 15 of the following year.**

**(2) The daily bag limit per raptor is two (2) rabbits, two (2) squirrels, one (1) quail, and one (1) pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those rules apply.**

**(3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4 and 50 CFR 21.**

**(4) If a raptor kills an animal without the intent of the license holder that is:**

**(A) not in the regular hunting season; or**

**(B) in excess of a bag limit;**

**the license holder must not possess the animal but the raptor may feed upon the carcass before leaving the site.**

**(5) A license holder may hunt a species listed in this subsection during any time of day.**

**(6) A license holder may possess a handgun in accordance with IC 35-47 while hunting with a raptor under this section if the license holder:**

**(A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;**

**(B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b); or**

**(C) is not required to possess a license to carry a handgun under IC 35-47-2-2.**

**(7) A license holder must ensure that the raptor does not take state or federally listed threatened or endangered wild animals. A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on federally listed threatened or endangered species. A license holder must report the take of any federally listed threatened or endangered species to the United States Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred.**

**(8) A license holder may hunt wild animals under this subsection on:**

**(A) public lands where authorized; and**

**(B) private lands with the permission of the landowner or custodian.**



**(9) A license holder may hunt the following species of birds:**

**(A) American crows in accordance with 312 IAC 9-4-7.1 and 312 IAC 9-4-7.2.**

**(B) European starlings.**

**(C) English sparrows.**

**(D) Rock pigeons.**

**The use or aid of a motor driven conveyance that is not under power or in motion and on private property is allowed under this subsection. Except as authorized under subdivision (6), the license holder shall not possess a firearm of any type while using a motor driven conveyance.**

**(10) A license holder may hunt a wild animal without wearing hunter orange only on property in which a local ordinance prohibits the use of firearms.**

**(jj) Only a license holder may possess a wild animal taken with the aid of a raptor, except that a license holder may give to another individual one (1) or more carcasses or parts of wild animals lawfully taken by a raptor with no compensation of any kind. A wild animal that is gifted must have a tag attached that contains the following information:**

**(1) The license holder's name and address.**

**(2) The total number and species of wild animals taken.**

**(3) The date the wild animal was taken.**

**(4) The signature of the license holder who's raptor took the wild animal.**

**(kk) Abatement activities may be conducted by the following:**

**(1) The holder of a master class license with a raptor possessed under this section only if the license holder has been issued a special purpose abatement permit issued by the United States Fish and Wildlife Service.**

**(2) The holder of a general class license with a raptor possessed under this section only as a subpermittee of the holder of a special purpose abatement permit.**

**A license holder may receive payment for providing abatement services.**

**(ll) A license holder may hunt any species listed in 50 CFR Part 21.43, 44, 45, or 46 with a raptor at any time in accordance with the conditions of an applicable depredation order issued under 50 CFR 22, as long as the license holder is not paid for doing so.**

**(mm) A license holder may fly raptors at and take pen-raised ring-necked pheasants and northern bobwhite quail that have been released into the wild for training purposes:**

**(1) on a dog training ground licensed under section 16 of this rule;**

**(2) on a shooting preserve licensed under IC 14-22-31; or**

**(3) during the season for that species in accordance with 312 IAC 9-4.**

**(nn) A license holder may use a raptor possessed under this section in conservation education programs presented in public venues.**

**(1) A license holder may present conservation education programs as follows:**

**(A) A license holder is not required to obtain a special purpose educational permit under section 9.5 of this rule provided that any fee charged does not exceed the amount required to recoup the costs of presenting the program.**

**(B) A license holder shall hold a valid special purpose educational permit under section 9.5 of this rule if the license holder presents conservation education programs for profit.**

**(2) An apprentice class license holder may present conservation programs only under the direct supervision of a general or master class license holder.**

**(3) A raptor used in conservation education programs must be used by the license holder primarily for falconry.**

**(4) All conservation education programs must provide information about:**

**(A) raptor biology;**

**(B) the ecological role of raptors; and**

**(C) the conservation needs of raptors and other migratory birds;**

**although not all of these topics must be addressed in every presentation.**

**(5) A raptor mounted by a taxidermist under subsection (ss)(3)(B) may be used in conservation education programs.**

**(6) The license holder is responsible under 50 CFR 13.50 for all liability associated with conservation education activities undertaken.**

**(oo) A license holder may use raptors possessed under this section in captive propagation if the license holder or the person overseeing the propagation has a raptor propagation permit from the U.S. Fish and Wildlife Service. A license holder:**

**(1) is not required to transfer a raptor from his or her falconry license if the raptor is used in captive propagation for fewer than eight (8) months in a twelve (12) month period of time; and**

**(2) must permanently transfer the raptor to the raptor propagation permit and band the raptor as required in 50 CFR 21.30 if the raptor is used in captive propagation for more than eight (8) months in a twelve (12) month period.**

**(pp) A license holder:**

**(1) May without receiving compensation allow a raptor possessed under this section to be photographed, filmed, or depicted visually by other means to create sources of information on the following:**

**(A) The practice of falconry.**

**(B) Raptor biology.**

**(C) The ecological role of raptors.**

**(D) The conservation needs of raptors and other migratory birds.**

**(2) Is prohibited from allowing a raptor possessed under this section to be used for the purpose of the following:**

**(A) Making the following:**

**(i) Movies or other commercial entertainment.**

**(ii) Commercials or other advertisements.**

**(iii) Any other commercial ventures that are not related to falconry.**

**(B) Promoting or endorsing any:**

**(i) products;**

**(ii) merchandise;**

**(iii) goods;**

**(iv) services;**

**(v) meetings; or**

(vi) fairs;  
except as provided in subdivision (3).

(C) Representing any:

(i) business;

(ii) company;

(iii) corporation; or

(iv) other organization.

(3) May with or without receiving compensation use a raptor possessed under this section to promote or endorse the following:

(A) A nonprofit falconry organization or association.

(B) Materials, equipment, products, or endeavors related to falconry, including falconry training and education.

(C) Scientific research and publication.

(qq) A general or master class license holder may assist a wild animal rehabilitator licensed under section 9 of this rule and 50 CFR 21.31 to condition raptors in preparation for their release to the wild only as follows:

(1) The license holder must possess a document from the rehabilitator that:

(A) identifies the raptor; and

(B) explains that the license holder is assisting in the raptor's rehabilitation.

(2) If the license holder's facilities comply with this section, notwithstanding section 9 of this rule, the license holder is not required to comply with the housing facility standards and is not subject to inspection under:

(A) section 9 of this rule; or

(B) 50 CFR 21.31.

(3) A license holder must do the following:

(A) Return any raptor that cannot be permanently released to the wild to the rehabilitator for placement within one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain the raptor for longer than one hundred eighty (180) days.

(B) Upon coordination with the rehabilitator:

(i) release all releasable raptors to the wild or return them to the rehabilitator for release within the one hundred eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain and condition the raptor for longer than one hundred eighty (180) days; or

(ii) transfer the raptor to the license holder's falconry license.

(4) The raptor in the possession of a license holder will remain under the permit of the wild animal rehabilitator and is not required to be added to the falconry license unless transferred under subdivision (3)(B)(ii).

(rr) A license holder shall manage feathers of raptors as follows:

(1) For imping, a license holder may possess flight feathers for each species of raptor possessed or previously held for as long as the person has a valid falconry license.

(2) A license holder may for imping purposes receive feathers from and give feathers to other individuals holding valid licenses under:

(A) this section;

- (B) section 9 of this rule for wild animal rehabilitation; or**
- (C) 50 CFR 21.30 for raptor propagation in the United States.**
- (3) A license holder may donate raptor feathers, except golden eagle feathers, to:**
  - (A) any person or institution with a valid permit to possess them; or**
  - (B) anyone exempt from the permit requirement under 50 CFR 21.12.**
- (4) A license holder is not required to gather feathers that are molted or otherwise lost by a raptor except for primary or secondary flight feathers or retrices from a golden eagle.**
- (5) A license holder must collect all molted flight feathers and retrices from a golden eagle. If the license holder does not need the feathers for imping purposes or upon expiration, denial, suspension, or revocation of a falconry license, the license holder shall send all feathers (including body feathers) to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.**
- (6) A license holder must not buy, sell, or barter raptor feathers.**
- (7) Upon the expiration, denial, suspension, or revocation of a falconry license, all feathers of any species of raptor except a golden eagle must be:**
  - (A) given to an individual or any institution exempt from the permit requirements under 50 CFR 21.12;**
  - (B) given to an individual authorized by permit to acquire and possess the feather;**
  - (C) burned;**
  - (D) buried; or**
  - (E) otherwise destroyed.**

**(ss) A license holder must dispose of a carcass of a raptor possessed under this section only as follows:**

- (1) For golden eagles, the entire body, including all feathers, talons, and other parts, must be sent to the National Eagle Repository.**
  - (2) For all other species, the body or feathers of the raptor must be:**
    - (A) given to an individual or institution exempt from permit requirements under 50 CFR 21.12;**
    - (B) given to an individual authorized by permit to acquire and possess such parts or feathers;**
    - (C) burned;**
    - (D) buried; or**
    - (E) otherwise destroyed;**
- within ten (10) days of the raptor's death or final veterinarian examination to determine the cause of death.**
- (3) A license holder may keep the body of any falconry raptor, except a golden eagle, if the raptor was banded or microchipped prior to its death for:**
    - (A) feathers useable for imping; or**
    - (B) mounting by a taxidermist with the:**
      - (i) leg band remaining on the body; or**
      - (ii) microchip left in place.**
  - (4) The license holder shall take appropriate precautions to avoid the risk of secondary poisoning of eagles and other scavengers by carcasses of euthanized raptors.**
  - (5) A license holder who does not:**

**(A) donate the carcass or feathers; or**  
**(B) have the body mounted by a taxidermist;**  
**may possess the flight feathers for as long as the license holder holds a valid license under this section and maintains documentation of the acquisition of the raptor.**

**(tt) A license may be suspended, denied, or revoked if the license holder fails to comply with any of the following:**

- (1) This section.**
- (2) IC 14-22.**

**(uu) A license holder may seek administrative review under IC 4-21.5 of an action to suspend, deny, or revoke a license.**

*(Natural Resources Commission; 312 IAC 9-10-13.1)*